



Print Form

FOR CLERK USE ONLY	
City Council	
Item No.	13

CITY COUNCIL AGENDA FACT SHEET

City Attorney _____

Department _____

March 2, 2010

Requested Date

1. **Request:**

Council Approval

☒

Information Only/
Presentation

☐

Other (specify)

☐

Hearing

☐

2. **Requested Action:**

Resolution regarding fee waivers.

3. **Fiscal Impact:**

Revenue:

Increase

☒

Decrease

☐

Source:

Amount:

Unknown

Cost:

Increase

☐

Decrease

☐

Source:

N/A

Amount:

\$

Does Not Apply

☐

4. **Reviewed By:**

Finance Dept. on

By:

Comments:

City Attorney on

Feb 22, 2010

By:

Comments:

Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.

CLERK USE ONLY:

CITY COUNCIL DATE:

Action

☐

Filing

☐

Consent

☐

Presentation

☐

Hearing

☐

Other(specify)

☐

Reviewed by: City Clerk

City Manager

Date

Date

CITY COUNCIL AGENDA REPORT

SUBJECT: Resolution of the City Council of the City of Calexico, California, Vesting Exclusive Authority with the City Council to Reduce or Waive various Fees and Charges Owed to the City By Majority Vote of the City Council of the City of Calexico

AGENDA DATE: March 2, 2010

PREPARED BY: Jennifer M. Lyon, City Attorney (requested by Councilman Romero)

APPROVED FOR AGENDA BY: City Manager, Victor Carrillo

RECOMMENDATION: Consider resolution authorizing the City Council to reduce or waive fees and charges owed to the City only after approval by a majority vote of the City Council.

FISCAL IMPACT: None. Adoption of the proposed resolution should result in full recovery of City administrative costs, as contemplated by the Calexico Municipal Code.

BACKGROUND: Due in part to the troubled state of the economy, the City is currently experiencing fiscal difficulties. Thus, it is increasingly necessary that the City fully recover its costs for the provision of services for which a fee is charged in order to meet the needs of its citizens.

DISCUSSION:

The City of Calexico currently charges various fees for certain permits and/or licenses, including but not limited to, business license fees, building permit fees, fire inspection fees, facility rental fees, development impact fees, fees for the provisions of water and sewer services, and any other fees related to the City's provision of services as set forth in the City's Master Fee Schedule.

The goal of this proposed resolution is to require a majority vote of the Councilmembers to consider whether a waiver or reduction of any fees or charges is appropriate, except those subject to a due process appeal process under the Calexico Municipal Code, as discussed below.

Because of due process concerns, the process proposed in the attached resolution is not intended to authorize the City Council to waive or reduce fees or penalties such as penalties or fees assessed pursuant to administrative citations, parking violations, or other criminal violations of the municipal code. The process to appeal any of the above and the authority to set fines for those types of issues are already accounted for under the Calexico Municipal Code and State law. Such cases are subject to an appeal process before a hearing officer or judge. In no event shall any city employee or individual councilmember act to interfere with the due process procedures for administrative citations, parking violations, or other criminal violations of the municipal code.

RESOLUTION NO. 2010-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO
VESTING EXCLUSIVE AUTHORITY WITH THE CITY COUNCIL TO
REDUCE OR WAIVE VARIOUS FEES AND CHARGES OWED TO THE
CITY.**

WHEREAS, due in part to a general recession in the national economy, the City of Calexico is currently, and has been, experiencing a fiscal crisis; and

WHEREAS, in order to ensure that the City remains able to deliver the maximum levels of municipal services to its citizens, the City must fully recover its administrative costs and fees to the greatest extent possible; and

WHEREAS, the City charges various fees for permits or licenses, including but not limited to, business license fees, building permit fees, fire inspection fees, facility rental fees, development impact fees, fees for the provisions of water and sewer services, and any other fees related to the City's provision of services as set forth in the City's Master Fee Schedule; and

WHEREAS, the City Council finds that the City, during the current fiscal crisis, cannot afford to regularly reduce or waive such fees; and

WHEREAS, the City Council of the City of Calexico desires to exercise its power as the governing body of the City in determining whether to waive or reduce certain fees or charges owed to the City, exclusively by means of a majority vote of the City Council.

NOW, THEREFORE, the City Council of the City of Calexico does hereby resolve as follows:

- 1) The City Council shall have sole authority to determine whether to waive or reduce certain fees or charges due and owing to the City after consideration by the City Council. A majority of three votes is required to waive or reduce such fees.

- 2) The process proposed in this Resolution is not intended to authorize the City Council to waive or reduce fees or penalties such as penalties or fees assessed pursuant to administrative citations, parking violations, or other criminal violations of the municipal code. The process to appeal any of the above fees or penalties and the authority to set fines for those types of violations are already accounted for under the Calexico Municipal Code and State law. Such violations are subject to an appeal process before a hearing officer or judge. In no event shall any city employee or individual councilmember act to interfere with the due process procedures for administrative citations, parking violations, or other criminal violations of the municipal code.

3) If there is a question as to the application of this Resolution to a particular fee, the matter shall be submitted to the City Council for interpretation and clarification.

PASSED, APPROVED, AND ADOPTED at the regular meeting of the City Council of the City of Calexico this 2nd day of March, 2010.

DAVID OUZAN, MAYOR

ATTEST:

LOURDES CORDOVA, CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) SS.
CITY OF CALEXICO)

I, LOURDES CORDOVA, CITY CLERK OF THE CITY OF CALEXICO, DO HEREBY CERTIFY THAT THE ABOVE FOREGOING RESOLUTION NO. 2010- ____ WAS DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CALEXICO ON THIS 2nd DAY OF March, 2010 BY THE FOLLOWING VOTE, TO WIT:

AYES:
NOES:
ABSENT:

LOURDES CORDOVA, CITY CLERK